1 2 3 4 5 5 5 5 5 5 6 6 6 6 6 6 6 6 6 6 6 6 6	HOLLY GAUDREAU (Bar # 209114) Two Embarcadero Center, 8th Floor San Francisco, California 94111	AUG 2 0 2007  NORTHERN U.S. DIS. WIEL.	
6 <sup>1</sup>	Attorneys for Plaintiff LEVI STRAUSS & CO.	E-filing	
8		S DISTRICT COURT JW	
9		\$ 7 m	
10	FOR THE NORTHERN I	DISTRICT OF CALIFORNIA	
11		C 07 4268	
12	LEVI STRAUSS & CO.,	Case No.	
13	Plaintiff,	COMPLAINT FOR TRADEMARK INFRINGEMENT, TRADEMARK	
14	V	DILUTION, AND UNFAIR COMPETITION (INJUNCTIVE	
15	LIPS JEANS,	RELIEF SOUGHT)	
16	Defendant.	JURY TRIAL DEMAND	
17		J	
18	Plaintiff Levi Strauss & Co. ("LS&CO.")	complains against defendant Lips Jeans as follows:	
19	<b>JURISDICTION, VENUE AND</b>	INTRA-DISTRICT ASSIGNMENT	
20	1. Plaintiff's first, second and third cl	aims arise under the Trademark Act of 1946 (the	
21	Lanham Act), as amended by the Federal Trademark Dilution Act of 1995 (15 U.S.C. §§ 1051, et		
22	seq.). This Court has jurisdiction over such claims pursuant to 28 U.S.C. §§ 1338(a) and 1338(b)		
23	(trademark and unfair competition), 28 U.S.C. §	1331 (federal question) and 15 U.S.C. § 1121	
24	(Lanham Act). This Court has supplemental juris	ediction over the remaining state law claims under 28	
25	U.S.C. § 1367.		
26	2. Venue is proper in this Court unde	er 28 U.S.C. § 1391(b) because Defendant transacts	
27	affairs in this district and because a substantial pa	art of the events giving rise to the claims asserted	
28	arose in this district.		

COMPLAINT

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1 :	3.	Intra-district assignment to any division of the Northern District is proper under Local
2	Rule 3-2(c) ar	nd the Assignment Plan of this Court as an "Intellectual Property Action."

**PARTIES** 

- 4. LS&CO. is a Delaware corporation which has its principal place of business at Levi's 4 Plaza, 1155 Battery Street, San Francisco, California 94111. Operating since approximately the 5 1850's, LS&CO. is one of the oldest and most well known apparel companies in the world. It 6 7 manufactures, markets and sells a variety of apparel, including its traditional denim blue jean 8 products.
  - 5. LS&CO. is informed and believes that defendant Lips Jeans is a business entity with its principal place of business at 724 1st Street, Suite 300, Los Angeles, California 90012. LS&CO. is informed and believes that Lips Jeans manufactures and sells a line of clothing, including jeans, that is offered for sale or sold in this judicial district and throughout the United States. LS&CO. is further informed and believes that Lips Jeans has authorized, directed, and/or actively participated in the wrongful conduct alleged herein.

### FACTS AND ALLEGATIONS COMMON TO ALL CLAIMS

### LS&CO.'s Use Of Its Trademarks

- LS&CO. marks its LEVI'S® brand products with a set of trademarks that are famous 6. around the world. For many years prior to the events giving rise to this Complaint and continuing to the present, LS&CO. annually has spent great amounts of time, money, and effort advertising and promoting the products on which its trademarks are used and has sold many millions of these products all over the world, including throughout the United States and in California. Through this investment and large sales, LS&CO. has created considerable goodwill and a reputation for quality products. LS&CO. continuously has used these trademarks, some for well over a century, to distinguish its products.
- 7. Most of LS&CO.'s trademarks are federally registered; all are in full force and effect, and exclusively owned by LS&CO. LS&CO. continuously has used each of its trademarks, from the registration date or earlier, until the present and during all time periods relevant to LS&CO.'s claims.

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Levi Strauss & Co. v. Lips Jeans Case No. \_\_\_\_\_

### LS&CO.'s Tab Device Trademark

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- 8. Among its marks, LS&CO. owns the famous Tab Device Trademark (hereinafter the "Tab trademark"), which consists of a small marker of textile or other material sewn into one of the regular structural seams of the garment. LS&CO. first used the Tab trademark in 1936 to identify genuine LEVI'S® products.
- 9. LS&CO. began to display the Tab trademark on the rear pocket of its pants in 1936
  when LS&CO.'s then National Sales Manager, Leo Christopher Lucier, proposed placing a folded
  cloth ribbon in the structural seams of the rear pocket. The purpose of this "tab" was to provide "sight
  identification" of LS&CO.'s products. Given the distinctiveness of the Tab trademark, Mr. Lucier
  asserted that "no other maker of overalls can have any other purpose in putting a colored tab on an
  outside patch pocket, unless for the express and sole purpose of copying our mark, and confusing the
  customer." Examples of the Tab trademark as used on LEVI'S® jeans are attached as Exhibit A.
- 13 LS&CO. owns, among others, the following United States Registrations for its Tab 14 trademark, attached as Exhibit B:
- 15 a. Registration No. 356,701 (first used as early as September 1, 1936; registered May 10, 1938);
- b. Registration No. 516,561 (first used as early as September 1, 1936; registered October 18, 1949);
- 19 c. Registration No. 577,490 (first used as early as September 1, 1936; registered 20 July 21, 1953);
- d. Registration No. 774,625 (first used as early as May 22, 1963; registered August 4, 1964);
- e. Registration No. 775,412 (first used as early as October 9, 1957; registered
  August 18, 1964); and
- f. Registration No. 1,157,769 (first used as early as September 1, 1936; registered June 16, 1981).
- These registrations have become incontestable under the provisions of 15 U.S.C. § 1065.

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1 i <b>D</b>	efendant's	Infringement	of LS&CO.'s	Trademark
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- 2 11. LS&CO. is informed and believes that Lips Jeans has in the past and continues to manufacture, source, market and/or sell clothing, including denim jeans, that infringes and dilutes 3 LS&CO.'s Tab trademark (hereinafter the "infringing products"). 4
- 5 12. In particular, LS&CO. is informed and believes that Lips Jeans produces, 6 manufactures, sources, markets, designs, offers and/or sells clothing under the brand name LIPS that displays tabs that are confusingly similar to LS&CO.'s Tab trademark. These infringing designs 7 include, without limitation, the example illustrated in Exhibit C, which is referred to hereinafter as the "Lips tab." The Lips tab, as used by Lips Jeans, is confusingly similar to LS&CO.'s Tab trademark.
- 10 13. LS&CO. is informed and believes that Lips Jeans has produced, manufactured, 11 designed, marketed, offered for sale and sold substantial quantities of infringing products bearing the 12 Lips tab, and has obtained and continues to obtain substantial profits from such sales.
  - 14. Lips Jeans' actions have caused and will cause LS&CO. irreparable harm for which money damages and other remedies are inadequate. Unless Lips Jeans is restrained by this Court, Lips Jeans will continue and/or expand the illegal activities alleged in this Complaint and otherwise continue to cause great and irreparable damage and injury to LS&CO. by, among other things:
    - a. Depriving LS&CO. of its statutory rights to use and control use of its trademark;
    - Creating a likelihood of confusion, mistake and deception among consumers b. and the trade as to the source of the infringing products;
      - Causing the public falsely to associate LS&CO. with Lips Jeans or vice versa; c.
    - d. Causing incalculable and irreparable damage to LS&CO.'s goodwill and diluting the capacity of its trademark to differentiate LEVI'S® products from others; and
    - e. Causing LS&CO. to lose sales of its genuine clothing products.
  - 15. Accordingly, in addition to other relief sought, LS&CO. is entitled to preliminary and permanent injunctive relief against Lips Jeans and all persons acting in concert with it.

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1	<u>FIRST CLAIM</u> FEDERAL TRADEMARK INFRINGEMENT		
2	(15 U.S.C. §§ 1114-1117; Lanham Act § 32)		
3	16.	LS&CO. realleges and incorporates by reference each of the allegations contained in	
5	paragraphs 1 through 15 of this Complaint.		
6	17.	Without LS&CO.'s consent, Lips Jeans has used, in connection with the sale, offering	
7	for sale, distribution or advertising of Lips Jeans' goods, designs that infringe upon LS&CO.'s		
8	registered Tab	trademark.	
9	18.	These acts of trademark infringement have been committed with the intent to cause	
10	confusion, mi	stake, or deception, and are in violation of 15 U.S.C. § 1114.	
11	19.	As a direct and proximate result of Lips Jeans' infringing activities, LS&CO. has	
12	suffered substantial damage.		
13	20.	Lips Jeans' infringement of LS&CO.'s trademark as alleged herein is an exceptional	
14	case and was intentional, entitling LS&CO. to treble its actual damages and to an award of attorneys'		
15	fees under 15 U.S.C. §§ 1117(a) and 1117(b).		
16		SECOND CLAIM	
17	FEDERAL UNFAIR COMPETITION  (False Designation of Origin and False Description)  (15 U.S.C. § 1125(a); Lanham Act § 43(a))		
18 19	21.	LS&CO. realleges and incorporates by reference each of the allegations contained in	
20		through 20 of this Complaint.	
21	22.	Lips Jeans' conduct constitutes the use of symbols or devices tending falsely to describe	
22		products, within the meaning of 15 U.S.C. § 1125(a)(1). Lips Jeans' conduct is likely to	
23		on, mistake, or deception by or in the public as to the affiliation, connection, association,	
24	origin, sponso	orship or approval of the infringing products to the detriment of LS&CO. and in violation	
25	of 15 U.S.C. §	§ 1125(a)(1).	
26	23.	As a direct and proximate result of Lips Jeans' infringing activities, LS&CO. has	
27	suffered subst	antial damage.	

COMPLAINT

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1	THIRD CLAIM		
2	FEDERAL DILUTION OF FAMOUS MARK  (Federal Trademark Dilution Act of 1995)  (15 U.S.C. § 1125(c); Lanham Act § 43(c))		
3	(15 U.S.C. § 1125(c); Lannam Act § 45(c))		
4	24. LS&CO. realleges and incorporates by reference each of the allegations contained in		
5	paragraphs 1 through 23 of this Complaint.		
6	25. LS&CO.'s Tab trademark is distinctive and famous within the meaning of the Federal		
7	Trademark Dilution Act of 1995, 15 U.S.C. § 1125(c), as amended.		
8	26. Lips Jeans' activities have diluted or are likely to dilute the distinctive quality of		
9	LS&CO.'s trademark in violation of the Federal Trademark Dilution Act of 1995, 15 U.S.C. § 1125(c)		
10	as amended.		
11	27. LS&CO. is entitled to injunctive relief pursuant to 15 U.S.C. § 1125(c).		
12	28. Because Lips Jeans willfully intended to trade on LS&CO.'s reputation or to cause		
13	dilution of LS&CO.'s famous trademark, LS&CO. is entitled to damages, extraordinary damages, fees		
14	and costs pursuant to 15 U.S.C. § 1125(c)(2).		
15 16	FOURTH CLAIM  CALIFORNIA DILUTION AND TRADEMARK INFRINGEMENT (Cal. Bus. & Prof. Code §§ 14320, 14330, 14335, 14340)		
	CALIFORNIA DILUTION AND TRADEMARK INFRINGEMENT		
16	CALIFORNIA DILUTION AND TRADEMARK INFRINGEMENT (Cal. Bus. & Prof. Code §§ 14320, 14330, 14335, 14340)		
16 17	CALIFORNIA DILUTION AND TRADEMARK INFRINGEMENT (Cal. Bus. & Prof. Code §§ 14320, 14330, 14335, 14340)  29. LS&CO. realleges and incorporates by reference each of the allegations contained in		
16 17 18	CALIFORNIA DILUTION AND TRADEMARK INFRINGEMENT (Cal. Bus. & Prof. Code §§ 14320, 14330, 14335, 14340)  29. LS&CO. realleges and incorporates by reference each of the allegations contained in paragraphs 1 through 28 of this Complaint.		
16 17 18 19	CALIFORNIA DILUTION AND TRADEMARK INFRINGEMENT (Cal. Bus. & Prof. Code §§ 14320, 14330, 14335, 14340)  29. LS&CO. realleges and incorporates by reference each of the allegations contained in paragraphs 1 through 28 of this Complaint.  30. Lips Jeans' infringement of LS&CO.'s federal registered trademark is likely to cause		
16 17 18 19 20	CALIFORNIA DILUTION AND TRADEMARK INFRINGEMENT (Cal. Bus. & Prof. Code §§ 14320, 14330, 14335, 14340)  29. LS&CO. realleges and incorporates by reference each of the allegations contained in paragraphs 1 through 28 of this Complaint.  30. Lips Jeans' infringement of LS&CO.'s federal registered trademark is likely to cause consumer confusion and dilution of LS&CO.'s trademark in violation of California Business &		
116 117 118 119 220	CALIFORNIA DILUTION AND TRADEMARK INFRINGEMENT (Cal. Bus. & Prof. Code §§ 14320, 14330, 14335, 14340)  29. LS&CO. realleges and incorporates by reference each of the allegations contained in paragraphs 1 through 28 of this Complaint.  30. Lips Jeans' infringement of LS&CO.'s federal registered trademark is likely to cause consumer confusion and dilution of LS&CO.'s trademark in violation of California Business & Professions Code §§ 14320, 14330, and 14335.		
116 117 118 119 220 221	CALIFORNIA DILUTION AND TRADEMARK INFRINGEMENT (Cal. Bus. & Prof. Code §§ 14320, 14330, 14335, 14340)  29. LS&CO. realleges and incorporates by reference each of the allegations contained in paragraphs 1 through 28 of this Complaint.  30. Lips Jeans' infringement of LS&CO.'s federal registered trademark is likely to cause consumer confusion and dilution of LS&CO.'s trademark in violation of California Business & Professions Code §§ 14320, 14330, and 14335.  31. Lips Jeans infringed and diluted LS&CO.'s Tab trademark with knowledge and intent		
116 117 118 119 120 221 222 223	CALIFORNIA DILUTION AND TRADEMARK INFRINGEMENT (Cal. Bus. & Prof. Code §§ 14320, 14330, 14335, 14340)  29. LS&CO. realleges and incorporates by reference each of the allegations contained in paragraphs 1 through 28 of this Complaint.  30. Lips Jeans' infringement of LS&CO.'s federal registered trademark is likely to cause consumer confusion and dilution of LS&CO.'s trademark in violation of California Business & Professions Code §§ 14320, 14330, and 14335.  31. Lips Jeans infringed and diluted LS&CO.'s Tab trademark with knowledge and intent to cause confusion, mistake or deception.		
116 117 118 119 20 21 22 23 24	CALIFORNIA DILUTION AND TRADEMARK INFRINGEMENT (Cal. Bus. & Prof. Code §§ 14320, 14330, 14335, 14340)  29. LS&CO. realleges and incorporates by reference each of the allegations contained in paragraphs 1 through 28 of this Complaint.  30. Lips Jeans' infringement of LS&CO.'s federal registered trademark is likely to cause consumer confusion and dilution of LS&CO.'s trademark in violation of California Business & Professions Code §§ 14320, 14330, and 14335.  31. Lips Jeans infringed and diluted LS&CO.'s Tab trademark with knowledge and intent to cause confusion, mistake or deception.  32. Lips Jeans' conduct is aggravated by that kind of willfulness, wantonness, malice and		
116 117 118 119 120 221 222 223 224 225	CALIFORNIA DILUTION AND TRADEMARK INFRINGEMENT (Cal. Bus. & Prof. Code §§ 14320, 14330, 14335, 14340)  29. LS&CO. realleges and incorporates by reference each of the allegations contained in paragraphs 1 through 28 of this Complaint.  30. Lips Jeans' infringement of LS&CO.'s federal registered trademark is likely to cause consumer confusion and dilution of LS&CO.'s trademark in violation of California Business & Professions Code §§ 14320, 14330, and 14335.  31. Lips Jeans infringed and diluted LS&CO.'s Tab trademark with knowledge and intent to cause confusion, mistake or deception.  32. Lips Jeans' conduct is aggravated by that kind of willfulness, wantonness, malice and conscious indifference to the rights and welfare of LS&CO. for which California law allows the		

COMPLAINT - 6 - Levi Strauss & Co. v. Lips Jeans Case No. \_\_\_\_

1 .	damages suffered by LS&CO. by reason of Lips Jeans manufacture, use, display of sale of miringing
2	goods.
3	FIFTH CLAIM
4	CALIFORNIA UNFAIR COMPETITION (Cal. Bus. & Prof. Code § 17200)
5	34. LS&CO. realleges and incorporates by reference each of the allegations contained in
6	paragraphs 1 through 33 of this Complaint.
7	35. Lips Jeans' infringement of LS&CO.'s Tab trademark constitutes "unlawful, unfair or
8	fraudulent business act[s] or practice[s] and unfair, deceptive, untrue or misleading advertising" within
9	the meaning of California Business & Professions Code § 17200.
10	36. As a consequence of Lips Jeans' actions, LS&CO. is entitled to injunctive relief and an
11	order that Lips Jeans disgorge all profits on the manufacture, use, display or sale of infringing goods.
12	PRAYER FOR JUDGMENT
13	WHEREFORE, LS&CO. prays that this Court grant it the following relief:
14	37. Adjudge that LS&CO.'s Tab trademark has been infringed by Lips Jeans in violation of
15	LS&CO.'s rights under common law, 15 U.S.C. § 1114, and/or California law;
16	38. Adjudge that Lips Jeans has competed unfairly with LS&CO. in violation of LS&CO.'s
17	rights under common law, 15 U.S.C. § 1125(a), and/or California law;
18	39. Adjudge that Lips Jeans' activities are likely to, or have, diluted LS&CO.'s famous Tab
19	trademark in violation of LS&CO.'s rights under common law, 15 U.S.C. § 1125(c), and/or California
20	law;
21	40. Adjudge that Lips Jeans and each of its agents, employees, attorneys, successors,
22	assigns, affiliates, and joint venturers and any person(s) in active concert or participation with it,
23	and/or any person(s) acting for, with, by, through or under it, be enjoined and restrained at first during
24	the pendency of this action and thereafter permanently from:
25	a. Manufacturing, producing, sourcing, importing, selling, offering for sale,
26	distributing, advertising, or promoting any goods that display any words or symbols that so resemble
27	LS&CO.'s Tab trademark as to be likely to cause confusion, mistake or deception, on or in connection
28	with any product that is not authorized by or for LS&CO., including without limitation any product

- 7 -

COMPLAINT

Levi Strauss & Co. v. Lips Jeans Case No.

- that bears the Lips tab or any other confusingly similar approximation of LS&CO.'s Tab trademark; 1
- 2 b. Using any word, term, name, symbol, device or combination thereof that causes
- 3 or is likely to cause confusion, mistake or deception as to the affiliation or association of Lips Jeans or
- its goods with LS&CO. or as to the origin of Lips Jeans' goods, or any false designation of origin, 4
- 5 : false or misleading description or representation of fact;
- 6 Further infringing the rights of LS&CO. in and to any of its trademarks in its c.
- LEVI'S® brand products or otherwise damaging LS&CO.'s goodwill or business reputation; 7
  - d. Otherwise competing unfairly with LS&CO. in any manner; and
- 9 Continuing to perform in any manner whatsoever any of the other acts e.
- 10 complained of in this Complaint;
- 11 41. Adjudge that Lips Jeans be required immediately to supply LS&CO.'s counsel with a
- 12 complete list of individuals and entities from whom or which it purchased, and to whom or which it
- 13 sold, offered for sale, distributed, advertised or promoted, infringing products as alleged in this
- Complaint; 14

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- 15 42. Adjudge that Lips Jeans be required immediately to deliver to LS&CO.'s counsel its
- 16 entire inventory of infringing products, including without limitation pants and any other clothing,
- packaging, labeling, advertising and promotional material and all plates, patterns, molds, matrices and 17
- 18 other material for producing or printing such items, that is in Lips Jeans' possession or subject to its
- 19 control and that infringes LS&CO.'s Tab trademark as alleged in this Complaint;
- 20 43. Adjudge that Lips Jeans, within thirty (30) days after service of the judgment
- 21 demanded herein, be required to file with this Court and serve upon LS&CO.'s counsel a written
- 22 report under oath setting forth in detail the manner in which it has complied with the judgment;
- 23 44. Adjudge that LS&CO. recover from Lips Jeans its damages and lost profits in an
- 24 amount to be proven at trial,
- 25 45. Adjudge that Lips Jeans be required to account for any profits that are attributable to its
- 26 illegal acts, and that LS&CO. be awarded the greater of (1) three times Lips Jeans' profits or (2) three
- 27 times any damages sustained by LS&CO., under 15 U.S.C. § 1117, plus prejudgment interest;
- 28 Order an accounting of and impose a constructive trust on all of Lips Jeans' funds and 46.

Levi Strauss & Co. v. Lips Jeans Case No. \_\_\_\_

1	assets that ar	ise out of Lips Je	ans' infringing a	ctivities;
2	47.	Adjudge that L	ips Jeans be req	uired to pay LS&CO. punitive damages for its
3	oppression, f	raud, malice and	gross negligenc	e, whether grounded on proof of actual damages
4	incurred by LS&CO. or on proof of Lips Jeans' unjust enrichment;			
5	48.	Adjudge that L	S&CO. be awai	rded its costs and disbursements incurred in connection
6	with this acti	on, including LS	&CO.'s reasonal	ble attorneys' fees and investigative expenses; and
7	49.	Adjudge that a	ll such other rela	ief be awarded to LS&CO. as this Court deems just and
8	proper.			
9				
10	DATED: Au	gust 20, 2007	Respe	ctfully submitted,
11				I all a Can large
12			By:	Holly Gaudreau
13			7	FOWNSEND AND TOWNSEND AND CREW LLP Two Embarcadero Center, Eighth Floor
14			S	San Francisco, California 94111 Felephone: (415) 576-0200
15				Facsimile: (415) 576-0300
16				Attorneys for Plaintiff LEVI STRAUSS & CO.
17			•	EVIOTATION & CO.
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26				
<ul><li>27</li><li>28</li></ul>				
40				

1		DEMAND FOR JURY TRIAL
2	LS&CO. demands that this	s action be tried to a jury.
3		
4	DATED: August 20, 2007	Respectfully submitted,
5		16M. glandan
6		By: Holly Gaudreau
7		TOWNSEND AND TOWNSEND AND CREW LLP Two Embarcadero Center, Eighth Floor
8		San Francisco, California 94111 Telephone: (415) 576-0200 Facsimile: (415) 576-0300
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11		Attorneys for Plaintiff LEVI STRAUSS & CO.
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Levi Strauss & Co. v. Lips Jeans
Case No. \_\_\_\_\_

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Exhibit A



Exhibit A-1



Exhibit A-2



Exhibit A-3



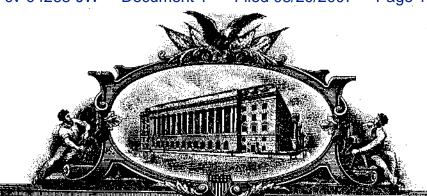
Exhibit A-4



Exhibit A-5

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Exhibit B



# THE UNIVERS OF AMERICA

# TO THE POPULATION OF THE STATE OF THE STATE

United States Patent and Trademark Office

July 17, 2001

THE ATTACHED U.S. TRADEMARK REGISTRATION 356,701 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 20 YEARS FROM May 10, 1938
3rd RENEWAL FOR A TERM OF 10 YEARS FROM May 10, 1998
SECTION 8 & 15
REPUBLISHED SECTION 12C
SAID RECORDS SHOW TITLE TO BE IN:
LEVI STRAUSS & COMPANY



By Authority of the

COMMISSIONER OF PATENTS AND TRADEMARKS

**Certifying Officer** 

#### Registered May 10, 1938

## Trade-Mark 356,701

Republished, under the Act of 1946, April 27, 1948, by Levi Strauss & Company, San Francisco, Calif.

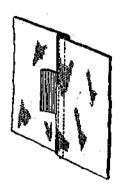
Affidavit under Section 8 accepted. Affidavit under Section 15 received, Aug. 31, 1953.

## UNITED STATES PATENT OFFICE

Levi Strauss & Company, San Francisco, Calif.

Act of February 20, 1905

Application June 30, 1937, Serial No. 394,734



#### STATEMENT

To the Commissioner of Patents:

Levi Strauss & Company, a corporation duly organized under the laws of the State of California and located at city and county of San Francisco, State of California, and doing business at 98 Battery Street, San Francisco, California, has adopted and used the trade-mark shown in the accompanying drawing, for MEN'S, WOM-EN'S, AND CHILDREN'S OVERALIAS OF THE PATCH-POCKET TYPE, in Class 39, Clothing, and presents herewith five specimens showing the trade-mark as actually used by applicant upon the goods, and requests that the same be registered in the United States Patent Office in accordance with the act of February 20, 1905.

The trade-mark consists of a small marker or tab, of textile material or the like, colored red, appearing on and affixed permanently to the exterior of the garment in a position that the red tab is visible, while the garment is being worn.

tab is visible, while the garment is being worn.
The trade-mark has been continuously used in the business of the applicant since on or about September 1, 1936.

In practice the trade-mark is applied to the

goods by stitching an end of a red marker or tab into one of the regular structural seams of trgarment so that the stitching of said seam secures one end of the red tab to the garment with a portion thereof extending visibly from the edge of the seam.

No claim is made herein for the representation of a portion of the garment or seam shown in the drawing, these being shown merely to illustrate one manner in which the red marker or red tab may be applied to a garment. The drawing is lined for the color red.

The undersigned hereby appoints Chas. F. Townsend, whose address is 908-917 Crocker Building, San Francisco, California, its attorney with full power of substitution and revocation to prosecute this application, to make atterations and amendments therein, to receive the certificate of registration, and to transact all business in the Patent Office connected therewith.

LEVI STRAUSS & COMPANY, By D. A. BERONIO, Secretary.

### ~Amendment

Registered May 10, 1938

Registration No. 356,701

Levi Strauss & Company

Application to amend having been made by Levi Strauss & Co., owner of the registration above identified, said registration is hereby amended as follows: In the statement, column 1, lines 8 through 10, the description of goods is deleted and Pants of the patch-pocket type worn by men, women and children

Such amendment has been entered upon the records of the Patent and Trademark Office and the said original registration should be read as so

Signed and sealed this 15th day of August 1978.

[SEAL]

Attest: JANIE COOKSEY, Attesting Officer.

DONALD W. BANNER, Commissioner, Int. CL: 25

Prior U.S. Cl.: 39

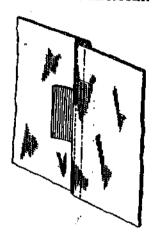
Reg. No. 355,701

United States Patent and Trademark Office

Registered May 10, 1938

Renewal Term Begins May 10, 1998

#### TRADEMARK PRINCIPAL REGISTER



LEVI STRAUSS & CO. (DELAWARE CORPORATION) 1155 BATTERY STREET SAN FRANCISCO, CA 94111, BY

AN FRANCISCO, CA 9411, BY CHANGE OF NAME, MERGER AND CHANGE OF NAME FROM LEVI STRAUSS & COMPANY (CALIFORNIA CORPORATION) SAN FRANCISCO,

NO CLAIM IS MADE HEREIN FOR THE REPRESENTATION OF A POR-TION OF THE GARMENT OR SEAM SHOWN IN THE DRAWING, THESE BEING SHOWN MERELY TO ILLUS-

TATE ONE MANNER IN WHICH THE RED MARKER OR RED TAB MAY BE APPLIED TO A GARMENT. THE DRAWING IS LINED FOR THE COLOR RED.

FOR: [MEN'S, WOMEN'S, AND CHIL-DREN'S OVERALLS OF THE PATCH-POCKET TYPE] • PANTS OF THE PATCH-POCKET TYPE WORN BY MEN, PAICH-POCKET TYPE WORN BY MEN, WOMEN AND CHILDREN \*, IN CLASS 39 (INT. CL. 23). FIRST USE 9-1-1936; IN COMMERCE 9-1-1936.

SER. NO. 71-394,734, FILED 6-30-1937.

In testimony whereof I have hereunto set my hand and caused the seal of The Patent and Trademark Office to be affixed on Nov. 24, 1998.

COMMISSIONER OF PATENTS AND TRADEMARKS



# THE RUNING STRANGE OF THE OWN OF THE CANONICAL CONTRACTOR OF THE C

10 ALL 10 WHOM THESE: PRESENTS: SHALL COME: UNITED STATES DEPARTMENT OF COMMERCE

**United States Patent and Trademark Office** 

July 16, 2001

THE ATTACHED U.S. TRADEMARK REGISTRATION 516,561 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 20 YEARS FROM October 18, 1949 2nd RENEWAL FOR A TERM OF 20 YEARS FROM October 18, 1989 SECTION 8 & 15

AMENDMENT/CORRECTION/NEW CERT(SEC7) ISSUED SAID RECORDS SHOW TITLE TO BE IN:

STRAUSS, LEVI & CO.
A DELAWARE CORPORATION

By Authority of the COMMISSIONER OF PATENTS AND TRADEMARKS

J. Edele\_ L. Edelen

Certifying Officer .

Amendment

Registered October 18, 1949

Registration No. 516,561

Levi Strauss & Company

Application to amend having been made by Levi Strauss & Co., owner of the registration above identified, said registration is hereby amended as follows:

In the statement, column 1, line 7, "overalls" is deleted and jeans is inserted. Such amendment has been entered upon the records of the Patent Office and the said original registration should be read as so amended. Signed and sealed this 16th day of September 1969.

[SEAL]

EDWIN L. REYNOLDS,
First Assistant Commissioner of Patents.

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Renewal

Reg. No. 516,561 Registered Oct. 18, 1949 OG Date Oct. 24, 1989

# TRADEMARK PRINCIPAL REGISTER



LEVI STRAUSS & CO. (DELAWARE CORPORATION)
1155 BATTERY STREET
SAN FRANCISCO, CA 94111, BY MERGER WITH AND CHANGE OF NAME FROM LEVI STRAUSS & COMPANY (CALIFORNIA CORPORATION)
SAN FRANCISCO, CA AND LEVI STRAUSS & COMPANY (CALIFORNIA CORPORATION) SAN FRANCISCO, CA

OWNER OF U.S. REG. NOS. 250,265 AND 413,386. FOR: MEN'S, WOMEN'S AND CHIL-DREN'S JEANS AND JACKETS, IN CLASS 39 (INT. CL. 25).

FIRST USE 9-1-1936; IN COMMERCE 7-1-1937.

SER, NO. 556,108, FILED 5-3-1948.

In testimony whereof I have hereunto set my hand and caused the seal of The Patent and Trademark Office to be affixed on Oct. 24, 1989.

Registered Oct. 18, 1949

Registration No. 516,561

# PRINCIPAL REGISTER Trade-Mark

## UNITED STATES PATENT OFFICE

Levi Strauss & Company, San Francisco, Calif.

Act of 1946

Application May 3, 1948, Serial No. 556,108



#### (Statement)

Levi Strauss & Company, a corporation duly organized under the laws of the State of California, located at San Francisco, California, and doing business at 98 Battery Street, San Francisco, California, has adopted and is using the trade-mark shown in the accompanying drawing, for MEN'S, WOMEN'S, AND CHILDREN'S OVERALLS AND JACKETS, in Class 39, Clothing, and presents herewith five specimens showing the trade-mark as actually used in connection with such goods, the trade-mark being applied to the goods by affixing permanently thereto a tab of textile material on which the trade-mark is shown, and requests that the same be registered in the United States Patent Office on the Principal Register in accordance with the act of July 5, 1946.

The trade-mark was first used on jackets July 1, 1937, and on overalls September 1, 1936, and first used in commerce among the several States and between the United States and foreign nations which may lawfully be regulated by Congress on jackets July 1, 1937, and on overalls September 1, 1936.

Applicant is the owner of the trade-mark, Reg-

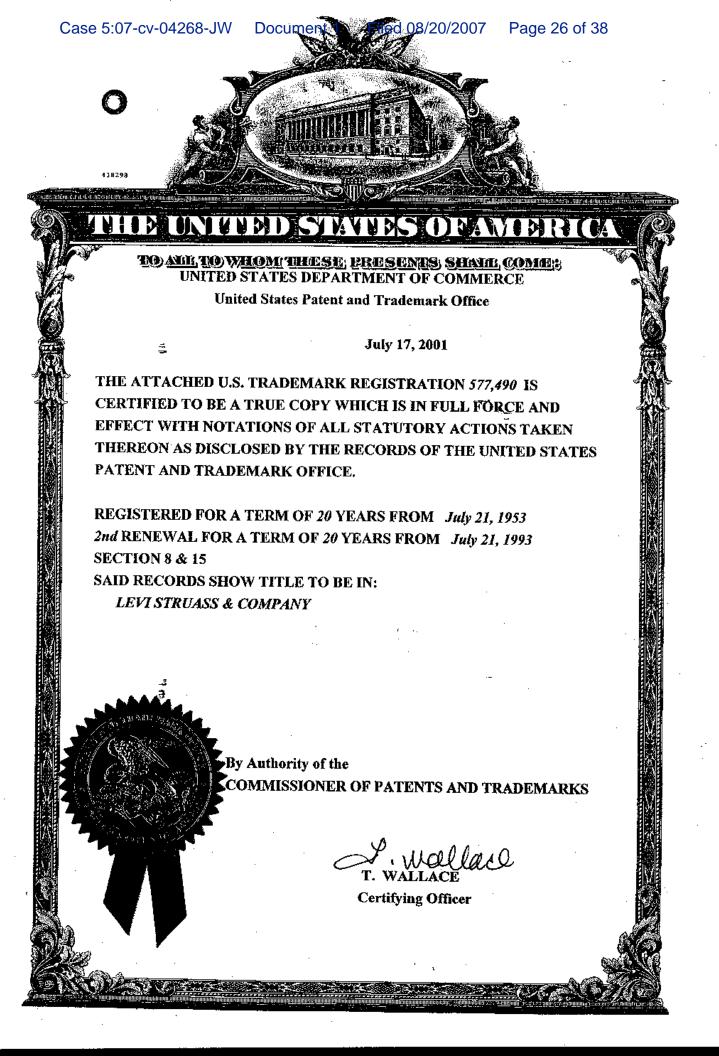
istration No. 413,386, dated April 24, 1945, and Registration No. 250,265, dated December 4, 1928.

#### (Declaration)

D. A. Beronio, being duly sworn, deposes and says that he is the secretary of Levi Strauss & Company, the applicant named in the foregoing statement; that he believes that said corporation is the owner of the trade-mark which is in use in commerce among the several States and between the United States and foreign nations, and that no other person, firm, corporation or association, to the best of his knowledge and belief, has the right to use such trade-mark in commerce which may lawfully be regulated by Congress, either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive; that the drawing and description truly represent the trade-mark sought to be registered; that the specimens show the trade-mark as actually used in connection with the goods; and that the facts set forth in the statement are true.

LEVI STRAUSS & COMPANY, By D. A. BERONIO,

Secretary.



registered July 21, 1953

Registration No. 577,490

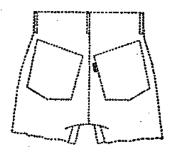
### PRINCIPAL REGISTER Trade-Mark

#### UNITED STATES PATENT OFFICE

Levi Strauss & Company, San Francisco, Calif.

Act of 1946

Application April 30, 1949, Serial No. 578,119



#### STATEMENT

Levi Strauss & Company, a corporation duly organized under the laws of the State of California, located at San Francisco, California, and doing business at 98 Battery Street, San Francisco, California, has adopted and is using the trade-mark shown in the accompanying drawing, for OVERALLS, in Class 39, Clothing, and presents herewith five facsimiles showing the trademark as actually used in connection with such goods, the trade-mark being applied to the goods in the manner hereinafter set forth, and requests that the same be registered in the United States Patent Office on the Principal Register in accordance with the act of July 5, 1946.

The trade-mark was first used on September 1, 1936, and first used in commerce among the several States which may lawfully be regulated by Congress on September 1, 1936.

The trade-mark consists of a small marker

or tab, of textile material or the like, colored red, appearing on and affixed permanently to the exterior of the garment in a position that the red tab is visible, while the garment is be-

In practice, the trade-mark is applied to the goods by stitching an end of a red marker or tab into one of the regular structural seams of the hip pockets of the garment so that the staching of said seam secures one end of the red tab to the garment with a portion thereof extending visibly from the edge of the seam,

The drawing is lined for the color red. Applicant is the owner of Trade-Mark Registration No. 356,701 Issued May 10, 1938, and No. 404,248 issued November 16, 1943.

LEVI STRAUSS & COMPANY, By D. A. BERONIO,

Secretary.

#### Amendment

Registered July 21, 1953

Registration No. 577,490

Levi Strauss & Company

Application to amend having been made by Levi Strauss & Co., owner of the registration above identified, said registration is hereby amended as follows:

In the statement, column 1, line 7, "overalls" is deleted and jeans is inserted. Such amendment has been entered upon the records of the Patent Office and the said original registration should be read as so amended. Signed and sealed this 29th day of May 1973.

[BEAL]

Attest: K. E. PATRICK, Attesting Officer.

ROBERT GOTTSCHALK, Commissioner of Patents.

Commissioner for Trademarks 2900 Crystal Drive Arlington, VA 22202-3514 www.uspto.gov

**REGISTRATION NO: 0577490** SERIAL NO: 71/578119

MAILING DATE: 03/31/2004

REGISTRATION DATE: 07/21/1953 MARK: MISCELLANEOUS DESIGN

REGISTRATION OWNER: LEVI STRAUSS & COMPANY

CORRESPONDENCE ADDRESS:

JENNIFER GUNN LEVI STRAUSS & CO. 1155 BATTERY STREET SAN FRANCISCO, CA 94111

### NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(3)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

## NOTICE OF RENEWAL

15 U.S.C. Sec. 1059(a)

\*\*\*\*\*\*\*\*\*\*\*

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 9 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1059.

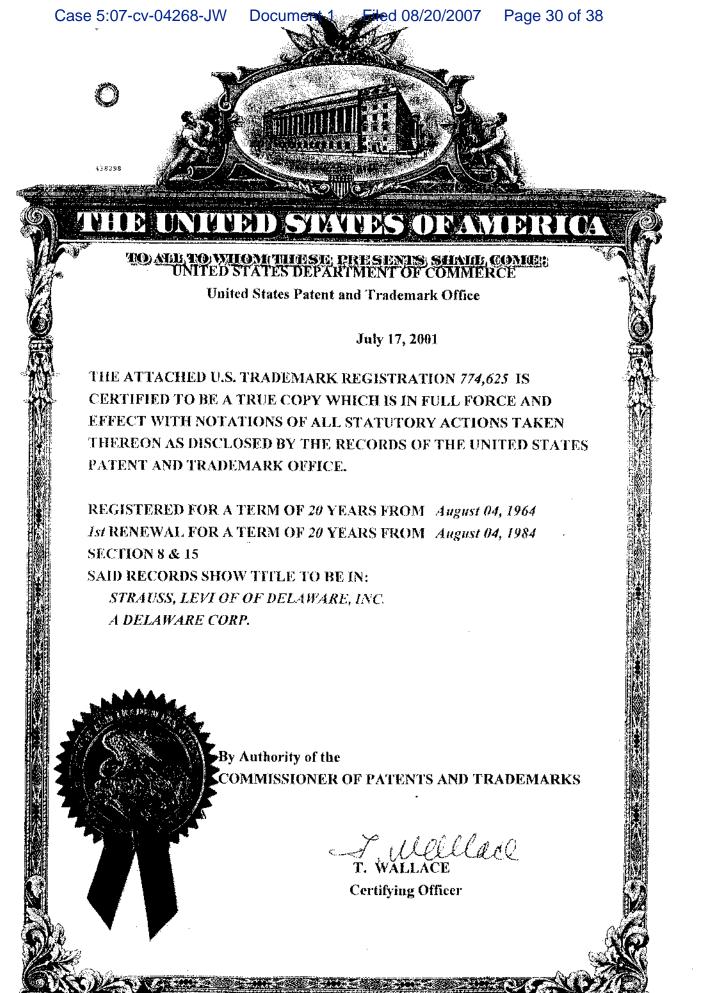
ACCORDINGLY, THE REGISTRATION IS RENEWED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES): 039.

GRANATA, SHARON D PARALEGAL SPECIALIST POST-REGISTRATION DIVISION (703)308-9500

> PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION

> > DUPLICATE



# United States Patent Office

774,625 Registered Aug. 4, 1964

# PRINCIPAL REGISTER Trademark

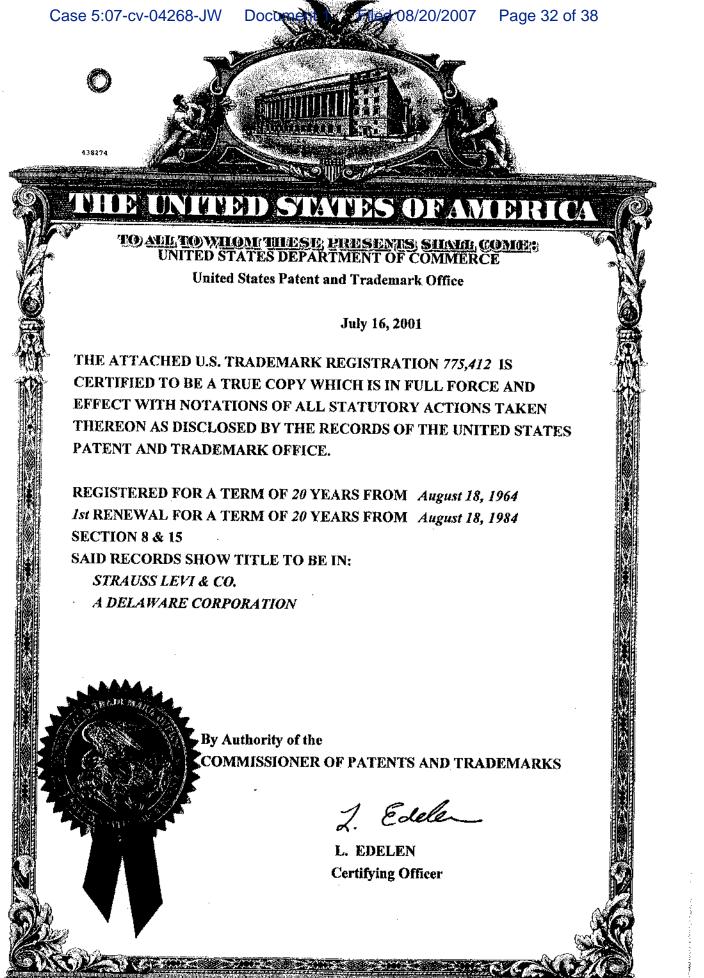
Ser. No. 171,283, filed June 18, 1963



Levi Strauss & Co. (California corporation) 98 Battery St. San Francisco 6, Calif.

For: GARMENTS, PARTICULARLY TROUSERS, in CLASS 39.

First use May 22, 1963; in commerce May 22, 1963. The mark consists of a small marker or black tab affixed to the exterior of the garment at the hip pocket. Owner of Reg. Nos. 356,701, 577,490, and 720,376.

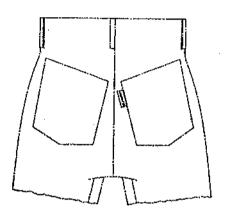


# Inited States Patent Office

775,412 Registered Aug. 18, 1964

# PRINCIPAL REGISTER Trademark

Ser. No. 171,282, filed June 18, 1963



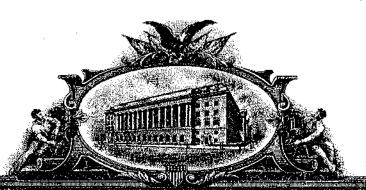
Levi Strauss & Co. (California corporation) 98 Battery St. San Francisco 6, Calif.

For: GARMENTS, PARTICULARLY TROUSERS, in CLASS 39.

First use Oct. 9, 1957; in commerce Oct. 9, 1957.

The mark consists of a small marker or white tab with the name "Levi's" superposed thereon, which is affixed to the exterior of the garment at the hip pocket.

Owner of Reg. Nos. 250,265, 720,376, and others.



## THER UNITED STAYIBS OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHAIR COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

July 17, 2001

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,157,769 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 20 YEARS FROM June 16, 1981 SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

LEVI STRUASS & CO.

A DELAWARE CORP.



By Authority of the COMMISSIONER OF PATENTS AND TRADEMARKS

Certifying Officer

Int. Cl.: 25

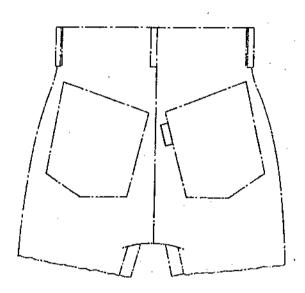
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Prior U.S. Cl.: 39

## United States Patent and Trademark Office

Reg. No. 1,157,769 Registered Jun. 16, 1981

### TRADEMARK Principal Register



Levi Strauss & Co. (Delaware corporation) 98 Battery St.

San Francisco, Calif. 94106, by merger and change of name from

Levi Strauss & Co. (California corporation) San Francisco, Calif. For: TROUSERS, in CLASS 25 (U.S. Cl. 39). First use Sep. 1, 1936; in commerce Sep. 1, 1936. Owner of U.S. Reg. Nos. 356,701, 775,412 and others.

Applicant disclaims the representation of the goods apart from the mark as shown.

The mark consists of a small marker or tab affixed to the exterior of the garment at the hip pocket.

Ser. No. 263,725, filed Feb. 1, 1967.

J. C. DEMOS, Deputy Director



UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

OFFICE OF ASSISTANT COMMISSIONER FOR TRADEMARKS 2900 Crystal Drive Arlington, Virginia 22202-3513

REGISTRATION NO: 1157769 SERIAL NO: 72263725 REGISTRATION DATE: 06/16/1981

MAILING DATE: 09/01/2001

MARK: MISCELLANEOUS DESIGN REGISTRATION OWNER: LEVI STRAUSS & CO CORRESPONDENCE ADDRESS:

KAREN S FRANK LEGAL STRATEGIES GROUP 5905 CHRISTIE AVENUE EMERYVILLE CA 94608

## NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(3)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

## NOTICE OF RENEWAL

\*\*\*\*\*\*\*\*\*\*\*\*

15 U.S.C. Sec. 1059(a)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 9 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

\*

ACCORDINGLY, THE REGISTRATION IS RENEWED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES): 039.

LEE, HAROLD D PARALEGAL SPECIALIST POST-REGISTRATION DIVISION (703)308-9500

> PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION

Case 5:07-cv-04268-JW Document 1 Filed 08/20/2007 Page 37 of 38

Exhibit C





Exhibit C